



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,202	03/31/2004	Robert P. Cassoni	527.1001DIV	9504
23280	7590	07/10/2009		
Davidson, Davidson & Kappel, LLC			EXAMINER	
485 7th Avenue			YEAGLEY, DANIEL S	
14th Floor				
New York, NY 10018			ART UNIT	PAPER NUMBER
			3611	
			MAIL DATE	DELIVERY MODE
			07/10/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

---

*Ex parte* ROBERT P. CASSONI

---

Application 10/815,202  
Technology Center 3600

---

Mailed: July 10, 2009

---

Before KRISTA ZELE, *Deputy Chief Appeals Administrator*  
ZELE, *Deputy Chief Appeal Administrator*.

ORDER RETURNING UNDOCKETED APPEAL

This application was electronically received by the Board of Patent Appeals and Interferences on July 29, 2008. A review of the application revealed that it is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the Examiner to address the following matter requiring attention prior to docketing.

EXAMINER'S CONSIDERATION OF REPLY BRIEF

A Reply Brief was filed in this application on February 12, 2007. There is no evidence on the record indicating that the Examiner has considered the Reply Brief in accordance with 37 CFR § 41.43(a)(1) and MPEP § 1208, part II.

ACCORDINGLY, it is

ORDERED that the application is returned to the Examiner to:

1) consider the Reply Brief filed February 12, 2007, as indicated above;

2) and for such further action as may be appropriate.

If there are any questions pertaining to this Order, please contact the Board of Patent Appeals and Interferences at 571-272-9797.

KZ/ec

DAVIDSON, DAVIDSON & KAPPEL, LLC  
485 7th AVENUE  
14<sup>th</sup> FLOOR  
NEW YORK, NY 10018